

Rejection Under 35 U.S.C. § 103

Applicant has cancelled claims 12, 14 and 15,, and rewritten claim 14 as new claim 16. Exhibit 1 is marked to show the changes between old claim 14 and currently pending new claim 16.

Claims 12, 14 and 15 stand rejected as unpatentable over U.S. Patent No. 4,993,093 to Goldwitz ("Goldwitz"). Goldwitz discloses a utility knife with a slot located on the top surface of the knife, wherein the slot retains a measuring tape tab that may be extended laterally from the longitudinal axis of the knife.

A knife such as the one disclosed in Goldwitz is discussed in the Background of Applicant's invention, specifically in the second half of the first paragraph of page 3, which Applicant has attached as Exhibit 2 to this Office Action, with pertinent section marked. This invention suffers from the drawback of retaining the measure at an angle with respect to the user, making the measure difficult to see. In addition, because the measure is not parallel to the surface to be cut, the user must account for some inaccuracy in measurements.

In contrast, the present invention overcomes these drawbacks by providing hooks with sides that are parallel to the blade end of the knife. In such a configuration, when the blade is inserted into material to be cut, a measuring tape extending from the hooks will be held in a close and substantially parallel orientation to the surface to be cut, thus minimizing inaccuracies and providing a direct view of the measuring tape.

Goldwitz does not teach or disclose hooks with sides that are parallel to the blade end of the knife as claimed in new claim 16, and that it is this feature that provides the advantages of the present invention. Accordingly, Applicant respectfully submits that Goldwitz does not render claim 16 obvious.

Reconsideration of new claims 16 and 17 is respectfully requested. The Examiner is invited to contact the undersigned attorney if that would be helpful to the allowance of this case.

Sincerely,

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Note: Please send official correspondence to the inventor, who is listed as the filing correspondent in this Application.

Exhibit One

14.16. A utility knife comprising:

a two-part housing wherein the two parts are first and second juxtaposed halves, the housing having a top and a bottom, with each half having a blade end and a back end, which blade end and back end form a front and a back of the housing, respectively, wherein the longitudinal axis of the housing extends from the front to the back;

a blade removably engaged within the housing and extending outward from the front, the blade having a cutting edge extending outward along the bottom of the housing;

first and second juxtaposed hooks in the blade ends of the first and second halves respectively wherein each hook forms an opening extending from the bottom of the housing toward the top, each opening being defined by a first side, a second side and an apex, wherein the openings and hooks reversibly and bi-directionally retain a tab from a measuring tape in a close and substantially parallel alignment to a surface to be cut, wherein the tape extends laterally from the longitudinal axis the front of the housing to either the left or the right of the utility knife of the invention, and wherein no additional parts or assembly are needed.

Exhibit Two

Several prior art inventions attempted to overcome these risks. One such invention is a utility knife attachment that creates a slot next to the blade whereby the tab from a utility knife may be attached. This invention, however, is attached next to the blade and limits the depth to which the blade may be used for cutting, since materials other than plasterboard, such as foam insulation, are also cut by utility knives. In addition, it is necessary to carry a small part in addition to the utility knife. Lastly, in order to install and remove the part, the utility knife must be disassembled.

Another prior art device includes a slot for receiving a tape measure tab that is formed in the backbone of a utility knife, wherein the tape measure is held parallel to the cutting edge of the blade of the utility knife. This device creates cuts that are inaccurate in that the measure is held away from the wall and almost perpendicular to the wall, causing the user to estimate and account for these inherent inaccuracies in measurement. Moreover, where the rule surface of the measure is not parallel to the surface to be cut, the rule may be difficult to read, leading to mistakes in measurement.

pertinent part

Thus, it is a principal object of the invention to provide a utility knife which is capable of cooperating with a tape measure to allow the cutting blade to be positioned accurately.

It is another object of the invention to provide a means for simultaneous cutting with a utility knife and accurate measuring which will allow the user the user to keep his fingers away from the blade.

It is yet another object of the invention to provide a convenient means for simultaneous cutting of plasterboard and measuring with a tape measure.